

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

ORIX FINANCIAL SERVICES, INC., )  
 )  
Plaintiff, )  
 )  
v. ) Case No. 3:05-0538  
 ) Judge Echols  
INTERSTATE CAPITAL CORP., )  
 )  
Defendant. )

ORDER

For the reasons set forth in the Memorandum issued contemporaneously herewith, the Court rules as follows:

(1) Plaintiff Orix Financial Services, Inc.'s Motion for Voluntary Dismissal Without Prejudice (Docket Entry No. 10) is hereby CONDITIONALLY GRANTED. The Motion is granted conditioned upon Plaintiff paying Defendant Interstate Capital Corp.'s costs in this Court and the reasonable attorneys' fees it expended for work that cannot be transferred to another jurisdiction in which Plaintiff may file suit;

(2) By **Friday, February 3, 2006**, Plaintiff shall notify the Court in writing, with a copy to Defendant, whether it agrees to this condition of voluntary dismissal;

(3) If Plaintiff agrees to pay said costs and reasonable attorneys' fees, Defendant shall file its fee petition with appropriate supporting documentation, including copies of detailed billing records showing time spent and rates charged, by **Monday, February 13, 2006**. Plaintiff shall then file its objections, if any, to the fee petition by **Monday, February 20, 2006**. After the Court enters an Order setting forth the amount of attorneys' fees

reasonably expended in this litigation by Defendant for work which cannot be transferred elsewhere, Plaintiff shall then have twenty (20) days to pay those fees and provide proof to the Court of said payment;

(4) Upon proof that Plaintiff has paid the awarded attorney's fees, the Court will enter an Order of dismissal without prejudice; and

(5) If Plaintiff refuses to accept the condition set forth above, its claims will remain pending in this Court, or at Plaintiff's request, shall be dismissed with prejudice.

This case shall proceed on Defendant's Third Party Complaint against Paul E. and Rosanne Rich.

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written in a cursive style.

ROBERT L. ECHOLS  
UNITED STATES DISTRICT JUDGE